

Written Testimony of
Civil Rights Clinic at New York University School of Law
And
Center on Race, Inequality, and the Law at New York University School of Law

Before the New York Joint State Committee on Transportation

Submitted March 22, 2019

On behalf of the Civil Rights Clinic and the Center on Race, Inequality, and the Law at New York University (“NYU”) School of Law, we thank the Joint State Committee on Transportation for holding this hearing and for providing the opportunity to submit testimony regarding steps the New York State Legislature can take to improve transportation in Central New York.

The Civil Rights Clinic at NYU School of Law works on policy, advocacy, and litigation on pressing civil rights issues, including discrimination, government transparency, economic justice, and environmental justice. The Center on Race, Inequality, and the Law works to highlight and dismantle structures and institutions that have been infected by racial bias and plagued by inequality. Together, we are invested in ensuring that civil rights, racial justice, and economic justice are central considerations during the analysis and implementation of the I-81 viaduct replacement project in Syracuse.

No discussion of transit in Central New York can reasonably omit a discussion of the I-81 replacement project. In addition to weighing the impact of the project on the regional transit network, any decision about what will replace the I-81 viaduct must consider all of the residents who will be directly impacted, including from Syracuse’s economically and politically marginalized communities. We believe that—relative to engagement with other communities in Onondaga County—the state and local agencies involved in the I-81 viaduct project have not adequately engaged or responded to the concerns raised by residents of the Southside neighborhood in Syracuse, many of whom are members of marginalized communities with limited access to formal feedback channels. Indeed, we have learned that residents still have not been informed of how the ten-year construction project happening in their neighborhood will affect their housing, education, access to transportation, and general day-to-day life.

We understand that the DOT has already made material changes to the design of the I-81 replacement in response to input from residents and businesses of other neighborhoods, for example by reintroducing the tunnel option as part of the Draft Environmental Impact Statement study. The DOT should show equal respect and consideration for the concerns and interests of the Southside. Southside residents are directly impacted by any changes to the national transportation artery that passes through their neighborhood, and thus have serious

concerns about the designs and construction, but have not been given adequate opportunities to share those concerns. For example, senior citizens living Toomey Abbott Towers, a senior independent living facility bordering the viaduct, fear that emergency vehicles will not be able to access their buildings once the construction begins. Government agencies have not contacted these residents to inquire about how the construction project might impact their daily routines; as a general matter, these and other Southside residents have been kept in the dark throughout the entirety of the I-81 planning process.

The DOT is legally obligated to identify and mitigate the damage that may be caused by the I-81 redesign, especially with respect to the residents who will soon have a major construction project—with dust, noise, road closures, heavy equipment, rerouted traffic and countless other effects—right in their back yards. It is not acceptable for the DOT to ignore the concerns of these residents, or to treat those concerns as secondary to those of other groups or communities. Nor can the DOT assume that other agencies will take responsibility for identifying and mitigating the deep impacts construction will have on the residents' daily lives.

When city officials and state engineers originally planned I-81, they did so with virtually no community input. In the name of convenience for suburban commuters, they sacrificed the basic livability of the urban core. The lack of community outreach led to the literal destruction of a vibrant, working-class Black neighborhood in Syracuse known as the 15th Ward. The construction of I-81 tore the community apart and led to the permanent displacement of hundreds of residents; the physical destruction of homes, businesses, and community institutions; and the racial and economic isolation of the Southside of Syracuse. The current plans to replace I-81 provide an opportunity to redress these harms inflicted on the Southside from the original construction of I-81 and, more importantly, to avoid further damaging these communities. If the state fails to consider the well-being of residents who stand to be most directly affected by the replacement of I-81, history will repeat itself.

To ensure that these mistakes are not repeated, we urge the Senate and Assembly Standing Committees on Transportation to monitor the I-81 EIS process and make sure that steps are taken to hear community members' views on the project. The committees should hold the DOT accountable for taking steps to mitigate the construction's potential impact on residents, particularly with an eye to limiting residential displacement, safety hazards, environmental harms, disruptions to public transportation systems, and other potential issues that would directly affect Southside residents. Additionally, as an initial step, we strongly urge the Standing Committees to hold public hearings aimed at giving community members an opportunity to voice their opinions and concerns about the replacement project. An assessment of the effectiveness of transit in Central New York requires an understanding of all residents' needs.

Thank you for your time and consideration.

Sincerely,

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